

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA Liquidation (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff, Plaintiff, v. TRINCASTER CORPORATION, Defendant.	Adv. Pro. No. 11-02731 (CGM)

STIPULATION AND ORDER

WHEREAS, on September 22, 2011, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff (“BLMIS”), filed a complaint (the “Complaint”) in the above-

captioned adversary proceeding against Trincastar Corporation (“Defendant”) to recover subsequent transfers Defendant allegedly received from Fairfield Sentry Limited;¹

WHEREAS, Defendant has represented that service of process of the Summons and Complaint has been completed and has waived any defenses based on insufficiency of process or insufficiency of service of process;²

WHEREAS, the correct spelling of Defendant’s name is “Trincastar Corporation,” as reflected in the Corporate Ownership Statement filed by Defendant in this action;³

WHEREAS, Defendant’s name is inadvertently misspelled in the caption, throughout the Complaint and on the docket as “Trincaster Corporation”;

IT IS MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Defendant, and **SO ORDERED**, by the Court:

1. The spelling of Defendant’s name is hereby corrected to “Trincastar Corporation” and the Complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to correct Defendant’s name to “Trincastar Corporation” as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for Defendant: (i) expressly represents that it is counsel to Defendant, and has the authority to execute this Stipulation on behalf of Defendant; and (ii) expressly agrees that the corrections noted in Paragraphs 1 and 2 hereof shall not be considered

¹ Compl., *Picard v. Trincaster Corp.*, Adv. Pro. No. 11-02731 (CGM) (Bankr. S.D.N.Y. Sep. 22, 2011), ECF 1. References to docket entries of *Trincaster Corp.*, Adv. Pro. No. 11-02731 (CGM) (Bankr. S.D.N.Y.) shall be identified as “Trincastar Docket.”

² Trincastar Docket, ECF 6.

³ Trincastar Docket, ECF 10.

an amendment under Federal Rule of Civil Procedure (“FRCP”) 15(a)(1)(A) or (B), and that the Trustee’s right to amend, if any, under FRCP 15(a)(1)(A) or (B) is expressly reserved.

4. Defendant shall respond to the complaint in this action, as amended by this Stipulation and Order, by July 29, 2022. If Defendant files a motion to dismiss the complaint, such motion shall set forth any and all grounds for dismissal at the pleading stage. The Trustee shall respond to the motion by September 28, 2022, and Defendant shall file its reply by October 28, 2022.

5. If Defendant files such a motion to dismiss the complaint, the parties shall seek oral argument on the motion at the Court’s first available convenience.

6. The above deadlines granted by this Stipulation are without prejudice to either party seeking future extensions of time.

7. Except as expressly set forth herein, the parties to this Stipulation reserve all rights, arguments, claims, objections and/or defenses they may have and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, claims, objections and/or defenses, including without limitation any defenses based on lack of jurisdiction.

8. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photocopy, or electronic copy of this Stipulation shall be deemed an original.

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Dated: New York, New York
May 3, 2022

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Attorneys for Defendant

SO ORDERED:

**Dated: May 4, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**

EXHIBIT A

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate of
Bernard L. Madoff,

Plaintiff,

v.

TRINCASTAR CORPORATION,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02731 (CGM)